



# Department of Justice

**United States Attorney Donald J. DeGabrielle, Jr.  
Southern District of Texas**

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## **29-YEAR OLD HELD WITHOUT BOND IN CHILD PORNOGRAPHY CASE**

[MCALLEN, TX] – Benito Delgado, Jr., 29, of San Juan, Texas, in federal custody on charges of receipt and possession of child pornography, has been ordered held without bond pending further criminal proceedings, United States Attorney Don DeGabrielle announced today.

The detention order issued today by a United States Magistrate Judge came after Delgado voluntarily waived his rights to a preliminary examination and detention hearing. The court found there was probably cause to believe Delgado had committed the offenses alleged in the complaint and bound the matter over for consideration by a grand jury within the time period prescribed by law. Delgado has been in federal custody since his arrest by special agents of the Immigration and Custom Enforcement on Friday, March 9, 2007.

According to allegations contained in the affidavit in support of the complaint filed in federal court, in July 2006, Immigration and Customs Enforcement (ICE) began an Internet investigation to identify individuals using file sharing programs on the Internet to traffic in child pornography. ICE agents identified a computer utilizing a specific Internet Protocol (IP) address offering to participate in the distribution of movies with titles suggestive of containing child pornography. Further investigation ultimately lead agents to associate the IP address with a Benito Delgado residing in San Juan, Texas and the securing of a search warrant for the residence in October 2006. ICE agents executed the search warrant and seized two computers, disks, zip disks and other external storage media devices found within the home. A forensic examination of these items is pending. A preliminary examination of the computer hard drives has resulted in the discovery of more than 150 video clips of child pornography.

Delgado will remain in federal custody pending the presentation of evidence to a grand jury.

A charge of Possession of child pornography carries a maximum penalty of ten (10) years in prison upon conviction. Receipt of child pornography carries a punishment of a minimum of five (5) years up to a twenty (20) year prison term upon conviction. Additionally, each charge also carries up to a lifetime supervised release term following release from prison.

The complaint is the result of an investigation conducted by special agents of Immigration Customs and Enforcement. The case is being prosecuted by Assistant

United States Attorney Alex C. Lewis, United States Attorneys Office, McAllen Division.

**A compliant is merely an accusation of criminal conduct, not evidence.  
The defendant is presumed innocent unless and until convicted through due  
process of law.**

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